

# APPENDIX B

## FIELD HOCKEY CANADA DISCIPLINE AND COMPLAINTS POLICY

REVISED SEPTEMBER 18, 2012

*\*\* This Discipline and Complaints Policy replaces and supersedes all pre-existing alternate Field Hockey Canada discipline and/or complaints policies including those posted on the Field Hockey Canada website prior to September 18, 2012 \*\**

### DEFINITIONS

1. The following terms have these meanings in this Policy: a) *“Complainant”* – The Party alleging an infraction
  - b) *“Respondent”* – The alleged infracting Party
  - c) *“Parties”* – The Complainant, Respondent, and any other Members or persons affected by the complaint
  - d) *“Days”* – Days irrespective of weekend and holidays
  - e) *“Member”* - All categories of membership defined in Article 7.1 of the *Bylaws of Field Hockey Canada* as well as all individuals employed by, or engaged in activities with, Field Hockey Canada including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, directors and officers of Field Hockey Canada

### PURPOSE

2. Field Hockey Canada is committed to providing a sport environment which is characterized by open and clear communication, honesty, fairness, and mutual respect. These values and ideals should guide all Field Hockey Canada communication and actions, and such conduct is in the best interests of all who participate in the sport of field hockey. Membership in Field Hockey Canada, as well as participation in its activities, brings many benefits and privileges. At the same time, Members and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Field Hockey Canada’s policies, bylaws, rules and regulations, and *Code of Conduct and Ethics*. Irresponsible behaviour by Members can result in severe damage to the integrity of Field Hockey Canada. Conduct that violates these values may be subject to sanctions pursuant to this Policy. Since discipline may be applied, Field Hockey Canada provides Members with the mechanism outlined in this Policy so that complaints are handled fairly, expeditiously, and affordably.

### APPLICATION OF THIS POLICY

3. This Policy applies to all Members defined in the **‘Definitions’** section of this Policy.
4. This Policy applies to discipline matters that may arise during the course of Field Hockey Canada business, activities, and events including, but not limited to, competitions, tournaments, practices, tryouts, training camps, travel associated with Field Hockey Canada activities, and any meetings.

5. Discipline matters and complaints arising within the business, activities, or events organized by entities other than Field Hockey Canada (such as clubs, provincial associations, and affiliates) will be dealt with pursuant to the policies of these other entities unless requested and accepted by Field Hockey Canada at its sole discretion.

### **REPORTING A COMPLAINT**

6. Any Member may report any complaint to Field Hockey Canada's CEO. Such a complaint must be in writing and signed, and must be filed within fourteen (14) days of the alleged incident. Anonymous complaints may be accepted at the sole discretion of Field Hockey Canada. Legal counsel may be retained by the Complainant at the Complainant's own expense.

7. A Complainant wishing to file a complaint outside of the fourteen (14) day period must provide a written statement giving reasons for an exemption to this limitation. The decision to accept, or not accept, the complaint outside of the fourteen (14) day period will be at the sole discretion of Field Hockey Canada. This decision may not be appealed.

8. Field Hockey Canada's CEO, Director or Officer may submit a complaint on behalf of Field Hockey Canada.

### **MEDIATION**

9. Field Hockey Canada supports the options of mediation and facilitation as provided by Alternate Dispute Resolution (ADR). At any time in the Discipline and Complaints process, the Parties, by mutual agreement, may decide to pursue alternate dispute resolution.

10. Before any complaint proceeds to the formal stage, the dispute will first be referred to a Dispute Resolution Officer for review, with the objective of resolving the dispute via mediation.

11. The Dispute Resolution Officer shall decide the format for the mediation and determine a deadline before which the parties must reach a negotiated decision.

12. Should a negotiated decision be reached through alternate dispute resolution, it shall be reported to and approved by Field Hockey Canada and any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending Field Hockey Canada's approval.

13. Failing the resolution of the complaint through that process, or if either Party chooses to forego alternate dispute resolution, the complaint shall continue to be addressed under this Policy.

### **CASE MANAGER**

14. Upon accepting a complaint and failing the resolution of the complaint through mediation, Field Hockey Canada's CEO will appoint an independent third-party Case Manager (On a case by case basis) who has sole discretion to determine whether the complaint is frivolous or vexatious, or if the complaint is potentially legitimate and involves either an incident classified as a minor infraction or an incident classified as a major infraction. The Case Manager is not required to be a member of Field Hockey Canada. The Case Manager has an overall responsibility to ensure procedural fairness

is respected at all times in this Policy, and to implement this Policy in a timely manner. The appointment of the Case Manager, the Case Manager's determination of the legitimacy of the complaint, and the Case Manager's classification of the incident are all not appealable.

15. The Case Manager shall decide one of the following:

- a) The complaint is frivolous or vexatious and shall be immediately dismissed
- b) The complaint is outside of Field Hockey Canada's jurisdiction; it shall be dismissed and the Complainant shall be directed to the proper jurisdiction
- c) The complaint is potentially legitimate and the incident shall be dealt with as a minor infraction
- d) The complaint is potentially legitimate and the incident shall be dealt with as a major infraction

16. The Case Manager will inform the Parties if the incident is to be dealt with as a minor or major infraction and the matter will be dealt with according to the applicable sections of this Policy relating to minor or major infractions.

17. This Policy does not prevent an appropriate person having authority from taking immediate, informal, or corrective action in response to behaviour that constitutes either a minor or major infraction. Any infraction and resulting corrective action must be reported to Field Hockey Canada. Further sanctions may be applied in accordance with the procedures set out in this Policy.

18. A complaint may be withdrawn at any time; however such a complaint may be continued by the CEO on behalf of Field Hockey Canada if Field Hockey Canada does not consent to the withdrawal of the complaint.

#### **MINOR INFRACTIONS**

19. Minor infractions are **single incidents** of failing to achieve expected standards of conduct that generally do not result in harm to others, Field Hockey Canada, or the sport of field hockey.

Examples of minor infractions can include, but are not limited to, a single incident of:

- a) Disrespectful, offensive, abusive, racist, or sexist comments or behaviour
- b) Disrespectful conduct such as outbursts of anger or argument
- c) Conduct contrary to the values of Field Hockey Canada
- d) Being late for, or absent from, Field Hockey Canada events and activities at which attendance is expected or required
- e) Non-compliance with Field Hockey Canada's policies, procedures, rules, or regulations

20. All disciplinary situations involving minor infractions will be dealt with by the appropriate person who has authority over both the situation and the individual involved. The person in authority can be, but is not restricted to being, staff, officials, coaches, organizers, or Field Hockey Canada decision-makers.

21. Provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with minor infractions will be informal (compared to the procedures for major infractions) and will be

determined at the discretion of the person responsible for discipline of such infractions (as noted above).

22. Penalties for minor infractions, which may be applied singularly or in combination, include the following:

- a) Verbal or written reprimand from Field Hockey Canada to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to Field Hockey Canada
- d) Removal of certain privileges of membership for a designated period of time
- e) Suspension from the current competition, activity, or event
- f) Any other sanction considered appropriate for the offense

23. Minor infractions that result in discipline will be recorded using the Incident Report provided as Appendix A. Incident Reports will be maintained by Field Hockey Canada at the national office. Repeat minor infractions may result in further such incidents being considered a major infraction.

### **MAJOR INFRACTIONS**

24. Major infractions are instances of failing to achieve the expected standards of conduct that result, or have the potential to result, in harm to other persons, to Field Hockey Canada, or to the sport of field hockey. Examples of major infractions include, but are not limited to:

- a) Repeated minor infractions
- b) Any incident of hazing
- c) Incidents of physical abuse
- d) Behaviour that constitutes harassment, sexual harassment, or sexual misconduct
- e) Pranks, jokes, or other activities that endanger the safety of others
- f) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
- g) Conduct that intentionally damages Field Hockey Canada's image, credibility, or reputation
- h) Disregard for Field Hockey Canada's bylaws, policies, rules, and regulations
- i) Intentionally damaging Field Hockey Canada property or improperly handling Field Hockey Canada monies
- j) Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs and narcotics
- k) Any possession or use of banned performance enhancing drugs or methods

25. Major infractions occurring within competition may be dealt with immediately, if necessary, by an appropriate person having authority. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

26. Major infractions will be handled using the Procedure for Major Infraction Hearing set out in this Policy.

## **PROCEDURE FOR MAJOR INFRACTION HEARING**

27. The Case Manager shall notify the Parties that the complaint is potentially legitimate and the incident shall be dealt with as a major infraction. The Case Manager shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Case Manager and may not be appealed.

28. The Case Manager will appoint a Discipline Panel, which shall consist of a single Adjudicator, to hear the complaint. In extraordinary circumstances, and at the discretion of the Case Manager, a Panel of three persons may be appointed to hear the complaint. In this event, the Case Manager will appoint one of the Panel's members to serve as the Chair.

29. If the Respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.

30. If a Party chooses not to participate in the hearing, the hearing will proceed in any event.

31. The Case Manager will determine the format of the hearing, which may involve an oral in-person hearing, an oral hearing by telephone, a hearing based on a review of documentary evidence, or a combination of these methods. The hearing will be governed by the procedures that the Case Manager and the Panel deem appropriate in the circumstances, provided that:

- a) The Parties will be given appropriate notice of the day, time, and place of the hearing
- b) Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing
- c) The Parties may be accompanied by a representative, advisor, or legal counsel at their own expense
- d) The Panel may request that any other individual participate and give evidence at the hearing
- e) The decision will be by a majority vote of Panel members

32. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.

33. In fulfilling its duties, the Panel may obtain independent advice.

## **DECISION**

34. After hearing the matter, the Panel will determine whether an infraction has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Panel's written decision, with reasons, will be distributed to all Parties, the Case Manager, and Field Hockey Canada. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the fourteen (14) day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

## **SANCTIONS**

35. The Panel may apply the following disciplinary sanctions, singularly or in combination, for major infractions:

- a) Verbal or written reprimand from Field Hockey Canada to one of the Parties
- b) Verbal or written apology from one Party to the other Party
- c) Service or other voluntary contribution to Field Hockey Canada
- d) Expulsion from Field Hockey Canada
- e) Removal of certain membership privileges
- f) Suspension from certain Field Hockey Canada teams, events, and/or activities
- g) Suspension from all Field Hockey Canada activities for a designated period of time
- h) Withholding of prize money or awards
- i) Payment of the cost of repairs for property damage
- j) Suspension of funding from Field Hockey Canada or from other sources
- k) Any other sanction considered appropriate for the offense

36. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.

37. Major infractions that result in discipline will be recorded using the Incident Report provided as Appendix A. Incident Reports will be maintained by Field Hockey Canada at the national office.

## **INTERIM MEASURES PENDING A HEARING**

38. Field Hockey Canada may determine that an alleged incident is of such seriousness as to implement interim measures pending a hearing and a decision of the Panel. Interim measures are not sanctions and they may take many forms including, but not limited to:

- a) Imposition of conditions upon continued participation in Field Hockey Canada work or activities
- b) Suspension from participation in Field Hockey Canada work or activities
- c) Suspension of membership privileges

## **CRIMINAL CONVICTIONS**

39. A Member's conviction for any of the following *Criminal Code* offenses, but not limited to, will be deemed a major infraction under this Policy and will result in expulsion from Field Hockey Canada and/or removal from Field Hockey Canada competitions, programs, activities and events upon the sole discretion of Field Hockey Canada:

- a) Any child pornography offences
- b) Any sexual offences
- c) Any offence of physical or psychological violence
- d) Any offence of assault
- e) Any offence involving trafficking of illegal drugs

## **CONFIDENTIALITY**

40. The discipline and complaints process is confidential and involves only the Parties, the Case Manager, the Panel, and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

**APPEALS PROCEDURE**

41. The decision of the Panel may be appealed in accordance with Field Hockey Canada's *Appeals Policy*.

**RECORD KEEPING**

42. The CEO shall keep a secure record of every complaint filed under this Policy. The record shall contain all relevant documentation including:

- a) Copies of the complaint, response, and rebuttal (if applicable)
- b) Copies of any witness statements (if applicable)
- c) Contact information for the Case Manager and the Panel (if applicable)
- d) A description of the informal resolution of the complaint (if applicable)
- e) A copy of the written decision (if applicable)
- f) A description of the sanctions (if applicable)

**INCIDENT REPORT**

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Date of incident: \_\_\_\_\_

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Location of Incident:

Case Manager's Name: \_\_\_\_\_ Case

Manager's Contact Info: \_\_\_\_\_

This incident was categorized as a: \_\_\_\_\_ minor infraction \_\_\_\_\_ major  
infraction

Individual(s) involved in the incident:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Objective description of the incident (be concise, accurate and non-judgmental):

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Names of witnesses (if applicable):

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Disciplinary action and sanction (if applicable):

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\_\_\_\_\_

Your signature: \_\_\_\_\_ Date: \_\_\_\_\_